

REMARKS

The claims have been amended to delete references to "polypeptides having at least 95% sequence identity to SEQ ID NO: 3" and to "polypeptides having at least 95% sequence identity to a chemokine-binding domain of SEQ ID NO: 3." No new matter is added by way of these amendments.

Rejection of claims 15, 17-20, 22, 25, 26, 28, 92, 94, 96, 98-105, 107, 109, 110, 112, 113, 115, 117 and 119-121 under 35 U.S.C. § 112, first paragraph (written description)

The Examiner rejects claims 15, 17-20, 22, 25, 26, 28, 92, 94, 96, 98-105, 107, 109, 110, 112, 113, 115, 117 and 119-121 under 35 U.S.C. § 112, first paragraph as allegedly not being supported by the specification. In particular, the Examiner asserts that recitation of "polypeptides having at least 95% sequence identity to SEQ ID NO: 3" and "polypeptides having at least 95% sequence identity to a chemokine-binding domain of SEQ ID NO: 3" in the above-rejected claims is not supported by the specification.

Although Applicants do not agree with the Examiner's rejection for at least the reasons thoroughly discussed in their response of January 29, 2007, solely in order to permit the instant application to move to allowance, Applicants have now deleted the reference to "polypeptides having at least 95% sequence identity to SEQ ID NO: 3" and "polypeptides having at least 95% sequence identity to a chemokine-binding domain of SEQ ID NO: 3" from the currently pending claims.

In view of the foregoing claim amendments, Applicants request that the Examiner withdraw the rejection of claims 15, 17-20, 22, 26, 92, 94, 99-105, 107, 110, 113, 115, 117 and 119-121 under 35 U.S.C. § 112, first paragraph. In view of their cancellation, the rejection of claims 25, 28, 96, 98, 109, 112, 117 and 119 is obviated.

Rejection of claims 15, 17-20, 22, 25, 26, 28, 92, 94, 96, 98-105, 107, 109, 110, 112, 113, 115, 117 and 119-121 under 35 U.S.C. § 112, first paragraph (enablement)

The Examiner rejects claims 15, 17-20, 22, 25, 26, 28, 92, 94, 96, 98-105, 107, 109, 110, 112, 113, 115, 117 and 119-121 under 35 U.S.C. § 112, first paragraph as allegedly not being

enabled by the specification. In particular, the Examiner asserts that methods of inhibiting chemokine activity and methods of chemokine binding that utilize “polypeptides having at least 95% sequence identity to SEQ ID NO: 3” and “polypeptides having at least 95% sequence identity to a chemokine-binding domain of SEQ ID NO: 3” are not enabled by the specification.

Although Applicants do not agree with the Examiner’s rejection for at least the reasons thoroughly discussed in their response of January 29, 2007, solely in order to permit the instant application to move to allowance, Applicants have now deleted the reference to “polypeptides having at least 95% sequence identity to SEQ ID NO: 3” and “polypeptides having at least 95% sequence identity to a chemokine-binding domain of SEQ ID NO: 3” from the currently pending claims.

In view of the foregoing claim amendments, Applicants request that the Examiner withdraw the rejection of claims 15, 17-20, 22, 26, 92, 94, 99-105, 107, 110, 113, 115, 117 and 119-121 under 35 U.S.C. § 112, first paragraph. In view of their cancellation, the rejection of claims 25, 28, 96, 98, 109, 112, 117 and 119 is obviated.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/601,072
Filing Date: June 19, 2003

CONCLUSION


Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. However, if any issues remain Applicants request that the Examiner contact the undersigned in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 16, 2009

By: 
Jerry L. Hefner
Registration No. 53,009
Attorney of Record
Customer No. 20995
(619) 235-8550

6481900:011409